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| CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303 | | | LIOU, ERIC | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/613,383 | LIMAN, HARTONO | |
| | Examiner | Art Unit | |
| | Eric Liou | 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6,8-12,14-16 and 18-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6,8-12,14-16 and 18-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1, 6, 8, 10, 12, 15-16, 20-21, and 23, canceled claims 5, 7, 13, and 17, and added claim 30. Thus, claims 1-4, 6, 8-12, 14-16, and 18-30 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 7/30/07 have been fully considered but they are not persuasive.
3. **Regarding claims 5 and 17,** Applicant argues that Walker does not teach the use of maximum inventory allotments as claimed and described in claim 1. The Examiner notes, Jung discloses the maximum inventory allotments as recited in claim 5. In response to Applicant's argument that Jung fails to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., no overbooking) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. **Regarding claim 7,** Applicant argues that there is no teaching or suggestion for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier. The Examiner notes, Litman discloses determining and allowing the reservation if the request is less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14). In the first office action, the Examiner interpreted the maximum inventory allotment to be equal to the total inventory available. Since

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the limitations of claims 5 and 7 have been incorporated into claim 1, the scope of the maximum inventory allotment has changed (maximum inventory allotment is greater than the total inventory available). Therefore, a new grounds of rejection has been made with respect to claim

1. See art rejection below.

5. **Regarding claims 8-10, and 13-15,** Applicant's arguments are similar to those for claims 1, 5, and 7, which are addressed above.

6. **Regarding claims 16, 20, 21,** Applicant's arguments are similar to those for claims 1, which are addressed above.

7. **Regarding claim 16,** in response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., tiers representing grouping of users based on a type) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. **Regarding claim 25,** Applicant argues that "the common desire to travel via plane to be the similar characteristic of the grouping of users" provides that all the users will be within a single tier. The Examiner respectfully disagrees. The passengers disclosed have the common desire to travel via plane in a particular inventory class, i.e. first class or business (Walker: Fig. 14; col. 18, lines 17-34). Thus, a plurality of tiers exists since there are multiple inventory classes available.

9. **Regarding claim 26,** in response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., agent tiers are determined based on size, location, frequency of booking, or any other criteria) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner broadly interprets travel agent tiers to be the different inventory classes that the travel agents can reserve for a customer.

10. **Regarding claims 4 and 11,** Applicant argues, “There is no discussion of directing the registered user to their assigned tier, nor is there any teaching of having different tiers in Schiff. As such, claims 4 and 11 are not obvious over Walker in view of Schiff.” The Examiner respectfully disagrees. Walker discloses accessing and directing a user to their assigned tier (inventory class for a reservation) (Walker: Fig. 14; col. 18, lines 17-34). Schiff discloses a registration engine for verifying registered users in a reservation system (Schiff: paragraph 0125). It is the combination of Walker in view of Schiff that discloses the limitations of claims 4 and 11.

11. **Regarding claim 12,** Applicant argues, “Schiff does not teach the use of a promotion code”. The Examiner notes, Schiff discloses a promotion price/promotional rate for a reservation (Schiff: paragraphs 0155-0156) that may be accessed after providing a code (Schiff: paragraph 0125, “username and password”). Schiff does not explicitly disclose requiring the member to provide a promotion code in order to access a particular rate. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schiff to have included requiring the member to provide a promotion

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code in order to access the tier as disclosed by Schiff for the advantage of providing a desired exclusive group of individuals access to a special rate.

12. Applicant argues, "since Walker, Litman, and Schiff teach a straight allotment system which prevents overbooking and Jung teaches an overbooking system, there is no motivation to combine these references as they teach away from each other." The Examiner respectfully disagrees. Walker discloses a need exists for a system that permits sellers to stimulate sales of excess inventory (Walker: col. 2, lines 27-30). Moreover, the motivation for modifying a straight allotment system to include overbooking is that it allows a business to produce maximum revenue while minimizing the number of dissatisfied customers (Jung: col. 2, lines 20-53). For example, overbooking and calculating the recommended overbooking level allows an airline to take into account passengers that do not show up, thereby increasing the probability that the total inventory available is filled.

Claim Rejections - 35 USC § 101

13. The Examiner acknowledges amended claim 8 and withdraws the previous rejection.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-3, 6, 8-10, 14-16, and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 in view of Jung, U.S. Patent No. 4,775,936 and further in view of Litman et al., U.S. Patent No. 6,990,457.

16. **As per claim 1**, Walker teaches a system for efficient distribution of inventory allotments among a plurality of tiers, comprising:

an allotment database for storing maximum inventory allotments corresponding to inventory categories for each tier (Walker: Figure 14 and column 18, lines 17-34); and

an allotment engine configured for monitoring the maximum inventory allotments for each tier and a total inventory available for each inventory category (Walker: column 18, lines 20-23, “the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database”).

17. Walker does not disclose whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category and the allotment engine is configured for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available.

18. Jung teaches whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category (Jung: column 2, lines 20-25) and allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier (Jung: column 2, lines 20-60).

19. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category and allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

20. Walker in view of Jung does not disclose the reservation request is for less than or equal to the total inventory available.

21. Litman discloses the reservation request is for less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14).

22. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker in view of Jung to have included the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

23. As per claim 2, Walker in view of Jung and further in view of Litman teaches the system of claim 1 as described above. Walker further teaches the inventory is hotel rooms and the inventory categories are hotel room categories (Walker: column 6, lines 6-11, "hotel accommodations").

24. **As per claim 3,** Walker in view of Jung and further in view of Litman teaches the system of claim 1 as described above. Walker further teaches an availability database for storing the total inventory available (Walker: Figure 14 and column 18, lines 28-34).

25. **As per claim 6,** Walker teaches the system of claim 1 as described above. Walker further teaches a plurality of rates wherein each of the plurality of rates corresponds to a different inventory category and tier (Walker: Figure 13 and column 13, lines 1-3).

26. **As per claims 8 and 15,** Walker teaches a method and computer readable medium (Walker: column 9, lines 23-25, “The ROM 220 and/or data storage 230 are operable to store one or more instructions”) for fulfilling a reservation request based on maximum inventory allotments among a plurality of tiers, comprising:

assigning a maximum inventory allotment for each inventory category to each tier (Walker: Figure 14 and column 18, lines 17-34, “the respective inventory available in each inventory class”).

27. Walker does not teach whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category; comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier; comparing the reservation request with the total inventory available for the particular inventory category, and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the maximum inventory allotment for the tier and the reservation request is for less than or equal to the total inventory available.

28. Jung discloses whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category (Jung: column 2, lines 20-25); comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier (Jung: column 2, lines 20-60 – The Examiner notes, calculating the recommended overbooking level (maximum inventory) suggests the subsequent step of performing a reservation booking, i.e. comparing the reservation request with the maximum inventory allotment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Jung to have included comparing the reservation request for a particular inventory category with the maximum inventory allotment corresponding to the particular inventory category for the advantage of determining whether a particular reservation is possible based on predetermined conditions.) and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the maximum inventory allotment for the tier (Jung: column 2, lines 20-60).

29. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and computer readable medium of Walker to have included whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category; comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier and fulfilling the reservation request for the particular inventory category if the reservation

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request is for less than or equal to the maximum inventory allotment for the tier as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

30. Walker in view of Jung does not disclose comparing the reservation request with the total inventory available for the particular inventory category, and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the total inventory available.

31. Litman discloses comparing the reservation request with the total inventory available for the particular inventory category (Litman: col. 2, lines 9-26; col. 6, lines 10-14), and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14).

32. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and computer readable medium of Walker in view of Jung to have included comparing the reservation request with the total inventory available for the particular inventory category, and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

33. **As per claim 9,** Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker further teaches the inventory is hotel rooms and

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the inventory categories are hotel room categories (Walker: column 6, lines 6-11, “hotel accommodations”).

34. **As per claim 10,** Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker further teaches updating the total inventory available after fulfilling the reservation (Walker: column 18, lines 20-23, “the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database”).

35. **As per claim 14,** Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker further teaches charging the member a rate corresponding to the member's tier for the particular inventory category (Walker: Figure 14 and column 13, lines 1-3). The Examiner interprets the rates associated with the plurality of fare classes as taught by Walker to imply charging a rate corresponding to the member's tier for the particular inventory category.

36. **As per claim 16,** Walker teaches a method for establishing a maximum allotment distribution system, comprising:

establishing a plurality of tiers (Walker: Figure 14 and column 18, lines 17-34, “each inventory class”),

assigning each user to one of the plurality of tiers (Walker: lines 17-34, “...as inventory is sold by an airliner, the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database.” The Examiner interprets selling inventory to be assigning each user to one of the plurality of tiers.), and

assigning a maximum inventory allotment for each inventory category to each of the plurality of tiers (Walker: Figure 14 and column 18, lines 28-34).

37. Walker does not disclose whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than a total inventory available for the single inventory category and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user and the reservation request is for less than or equal to the total inventory available.

38. Jung teaches whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than a total inventory available for the single inventory category (Jung: column 2, lines 20-25) and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user (Jung: column 2, lines 20-60).

39. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker to have included whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than a total inventory available for the single inventory category and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

40. Walker in view of Jung does not disclose the reservation request is for less than or equal to the total inventory available.

41. Litman discloses the reservation request is for less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14).

42. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker in view of Jung to have included the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

43. **As per claim 18,** Walker in view of Jung and further in view of Litman teaches the method of claim 16 as described above. Walker further teaches the inventory is hotel rooms and the inventory categories are hotel room categories (Walker: column 6, lines 6-11, “hotel accommodations”).

44. **As per claim 19,** Walker in view of Jung and further in view of Litman teaches the method of claim 16 as described above. Walker further teaches establishing a plurality of rates wherein each of the plurality of rates corresponds to a different inventory category and tier (Walker: Figure 13 and column 13, lines 1-3).

45. **As per claim 20,** Walker teaches a computer readable medium having embodied thereon a program, the program being executable by a machine to perform a method for establishing a maximum inventory distribution system (Walker: column 9, lines 23-25, “The ROM 220 and/or data storage 230 are operable to store one or more instructions”), comprising:

establishing a plurality of tiers (Walker: Figure 14 and column 18, lines 17-34, “each inventory class”);

assigning each user to one of the plurality of tiers (Walker: lines 17-34, “...as inventory is sold by an airliner, the airline’s ARS will preferably decrement the available inventory

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recorded in the seat allocation database." The Examiner interprets selling inventory to be assigning each user to one of the plurality of tiers.);

assigning a maximum inventory allotment for each inventory category to each of the plurality of tiers (Walker: Figure 14 and column 18, lines 28-34).

46. Walker does not disclose whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category, allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user and the reservation request is for less than or equal to the total inventory available.

47. Jung teaches whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than a total inventory available for the single inventory category (Jung: column 2, lines 20-25) and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user (Jung: column 2, lines 20-60).

48. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the computer readable medium of Walker to have included whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than a total inventory available for the single inventory category and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

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49. Walker in view of Jung does not disclose the reservation request is for less than or equal to the total inventory available.

50. Litman discloses the reservation request is for less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14).

51. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the computer readable medium of Walker in view of Jung to have included the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

52. As per claim 21, Walker teaches a centralized system for distribution of maximum allotments to users, comprising:

a user engine configured for organizing the users into a plurality of tiers (Walker: lines 17-34, the RMS/ARS organizes the users into a plurality of tiers); and

a management engine for maintaining a maximum inventory allotment for each inventory category for each of the plurality of tiers (Walker: column 18, lines 17-34, the RMS and ARS maintain the inventory allotment for each inventory category).

53. Walker does not disclose whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category and the management engine is configured to fulfill a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier associated with a requesting user and the reservation request is for less than or equal to the total inventory available.

54. Jung teaches whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category (Jung: column 2, lines 20-25) and the management engine is configured to fulfill a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier associated with a requesting user (Jung: column 2, lines 20-60).

55. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included whereby a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category and the management engine is configured to fulfill a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier associated with a requesting user as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

56. Walker in view of Jung does not disclose the reservation request is for less than or equal to the total inventory available.

57. Litman discloses the reservation request is for less than or equal to the total inventory available (Litman: col. 2, lines 9-26; col. 6, lines 10-14).

58. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker in view of Jung to have included the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

59. **As per claim 22,** Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the inventory is hotel rooms and the inventory category is a hotel room category (Walker: column 6, lines 6-11, “hotel accommodations”).

60. **As per claim 23,** Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the management engine further comprises an allotment engine configured for determining if a request for inventory may be fulfilled (Walker: column 8, lines 28-31, the CRS makes reservations).

61. **As per claim 24,** Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches a tier of the plurality of tiers comprises at least one user (Walker: Figure 14). The Examiner notes, a tier (fare class) has at least one user when the said user has a reservation for a flight.

62. **As per claim 25,** Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches a tier of the plurality of tiers comprises a grouping of users having similar characteristics (Walker: Fig. 14; col. 18, lines 17-34; The passengers disclosed have the common desire to travel via plane in a particular inventory class, i.e. first class or business.).

63. **As per claim 26,** Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a travel agent engine and the plurality of tiers are travel agent tiers (Walker: column 3, lines 40-42).

64. **As per claim 27**, Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a corporate engine and the plurality of tiers are corporate tiers (Walker: column 3, lines 60-63, “airline reservation system”).

65. **As per claim 28**, Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises an other segment engine and the plurality of tiers are other segment tiers (Walker: column 3, lines 60-63, “airline reservation system”). The Examiner interprets the airline reservation system to be the other segment.

66. **As per claim 29**, Walker in view of Jung and further in view of Litman teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a guest engine (Walker: column 3, lines 40-42). The Examiner interprets the customer to be the guest.

67. **As per claim 30**, Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker teaches updating the inventory allotment after fulfilling the reservation. (Walker: column 18, lines 20-23, “the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database”). Walker does not teach updating the maximum inventory allotment after fulfilling the reservation. However, it would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker in view of Jung and further in view of Litman to have included updating the maximum inventory allotment after fulfilling the reservation as taught by Walker for the advantage of maintaining an accurate and up-to-date record of the inventory available.

68. Claims 4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 in view of Jung, U.S. Patent No. 4,775,936 in view of Litman et al., U.S. Patent No. 6,990,457 and further in view of Schiff et al., U.S. Publication No. 2003/0004760.

69. **As per claim 4,** Walker in view of Jung and further in view of Litman teaches the system of claim 1 as described above. Walker in view of Jung and further in view of Litman does not teach a registration engine for verifying registered users and directing the registered user to their assigned tier.

70. Schiff teaches a registration engine for verifying registered users and directing the registered user to their assigned tier (Schiff: paragraph 0125).

71. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker in view of Jung and further in view of Litman to have included a registration engine for verifying registered users and directing the registered user to their assigned tier as taught by Schiff for the advantage of securing a system and allowing access to only authorized users (Schiff: paragraph 0125).

72. **As per claim 11,** Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker does not teach requiring the member to provide a member login and password in order to access the tier.

73. Schiff teaches requiring the member to provide a member login and password in order to access the tier (Schiff: paragraph 0125).

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74. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker in view of Jung and further in view of Litman to have included requiring the member to provide a member login and password in order to access the tier as taught by Schiff for the advantage of securing a system and allowing access to only authorized users (Schiff: paragraph 0125).

75. As per claim 12, Walker in view of Jung and further in view of Litman teaches the method of claim 8 as described above. Walker does not teach requiring the member to provide a promotion code in order to assess the tier.

76. Schiff discloses a promotion price/promotional rate for a reservation (Schiff: paragraphs 0155-0156) that may be accessed after providing a code (Schiff: paragraph 0125, "username and password"). Schiff does not explicitly disclose requiring the member to provide a promotion code in order to access a particular rate. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schiff to have included requiring the member to provide a promotion code in order to access the tier as disclosed by Schiff for the advantage of providing a desired exclusive group of individuals access to a special rate.

Conclusion

77. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

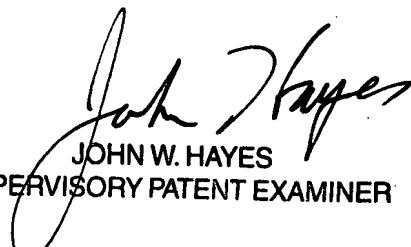
The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER